

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:22-cv-00114-MR**

<b>AUSTIN REID PITTMAN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>FNU SIGMON,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the Court on Plaintiff's Motion to Compel Discovery. [Doc. 35].

Pro se Plaintiff Austin Reid Pittman ("Plaintiff") is a prisoner of the State of North Carolina currently incarcerated at Central Prison in Raleigh, North Carolina. On August 19, 2022, he filed this action pursuant to 42 U.S.C. § 1983 against Defendant FNU Sigmon, identified as a Unit Manager at Alexander Correctional Institution, claiming Defendant Sigmon violated his Eighth Amendment rights through the use of excessive force. [Doc. 1]. Plaintiff's Complaint survived initial review. [Doc. 7]. The current discovery deadline in this case is July 2, 2023. [5/10/2023 Text Order].

Now before the Court is Plaintiff's Motion to Compel Discovery. [Doc. 34]. As grounds, Plaintiff states that he originally served the subject


discovery request on Defendant on February 21, 2023. [Id. at 1-2]. On April 28, 2023, having received no response, Plaintiff wrote Defendant a letter inquiring about the status of Defendant's response to the subject discovery request. [Id. at 2]. Receiving no response to that letter, on May 10, 2023, Plaintiff sent Defendant another letter and another copy of the subject discovery request. As of Plaintiff's Motion to Compel, he had "received no clarification as to the status of the Interrogatories." [Id. at 2-3].

Defendant timely responded to Plaintiff's Motion to Compel. [Doc. 35]. In response, counsel for Defendant states that his office did not receive the subject discovery request until it was attached to Plaintiff's Motion to Compel. [Id. at 1]. Defense counsel reports, however, that his office has received and timely responded to five other discovery requests by Plaintiff in this matter and three other discovery requests by Plaintiff in a related matter. [Id.]. Defense counsel further reports, once he received the subject discovery request, he "immediately undertook to obtain responses" thereto and that he will timely serve responses on Plaintiff. [Id.]. The Court, therefore, will deny Plaintiff's motion to compel without prejudice.

**IT IS, THEREFORE, ORDERED** that Plaintiff's Motion to Compel [Doc. 34] is **DENIED without prejudice**.

**IT IS SO ORDERED.**

Signed: June 27, 2023

  
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Martin Reidinger  
Chief United States District Judge

